

REMARKS

In accordance with the foregoing, claim 1 has been amended. Claims 1-7 are pending, with claim 1 being independent. No new matter is presented in this Amendment.

Request for Indication Whether Drawings Filed on October 16, 2003, Have Been Accepted

The Examiner did not indicate whether the original drawings included in the application papers filed on October 16, 2003, have been accepted by the Examiner in item 10 on page 1 (the Office Action Summary) of the Office Action of December 13, 2006. Accordingly, it is respectfully requested that the Examiner indicate whether the drawings filed on October 16, 2003, have been accepted by the Examiner in the next Office Action.

Claim Objections

Claims 1-7 were objected to because, according to the Examiner, "the claims include abbreviations ("AV") without a clear indication of the meaning of the abbreviations." Independent claim 1 has been amended to recite "audio video (AV) data," and accordingly it is respectfully requested that the objection to claims 1-7 (i.e., claim 1 and claims 2-7 depending therefrom) be withdrawn.

Double Patenting Rejections

Rejection 1

Claim 1 was provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/686,694. This rejection is respectfully traversed.

At the outset, it is presumed that the Examiner intended to rely on copending Application No. 10/685,594, which was cited in the Information Disclosure Statement of January 20, 2004, rather than on copending Application No. 10/686,694, which is entitled "Highly Accurate Security and Filtering Software" and is completely unrelated to the present invention, as indicated in the statement of the rejection. It is respectfully requested that the Examiner confirm this for the

record in the next Office Action. In the meantime, the applicants will respond to the rejection as if it were based on copending Application No. 10/685,594.

In explaining the rejection, the Examiner states that "[a]lthough the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 of the copending application [No. 10/685,694] anticipates the data storage medium of claim 1 [of the present application]."

However, claim 1 of the present application recites "[a] data storage medium, comprising: audio video (AV) data; a markup document which was provided to reproduce the AV data in an interactive mode; and control information which was provided to identify buffering state information of the markup document to be preloaded," while claim 1 of copending application No. 10/685,694 recites "[a]n apparatus for reproducing AV data using a markup document in an interactive mode, comprising: a buffer which buffers the markup document; a content decoder which interprets the markup document; and a buffer manager which manages the buffer to preload the markup document and informs the content decoder of whether preloading of the markup document is completed," such that claim 1 of copending application No. 10/685,694 does not anticipate claim 1 of the present application as alleged by the Examiner.

Furthermore, it is submitted that the Examiner's explanation of this rejection does not comply with the requirements of an obviousness-type double patenting rejection set forth in MPEP 804(II)(B)(1) which provides as follows in pertinent part (see MPEP pages 800-21 and 800-22) (emphasis by underlining added):

Since the analysis employed in an obviousness-type double patenting determination parallels the guidelines for a 35 U.S.C. 103(a) rejection, the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103 are employed when making an obvious-type double patenting analysis. These factual inquiries are summarized as follows:

(A) Determine the scope and content of a patent claim relative to a claim in the application at issue;

(B) Determine the differences between the scope and content of the patent claim as determined in (A) and the claim in the application at issue;

(C) Determine the level of ordinary skill in the pertinent art;
and

(D) Evaluate any objective indicia of nonobviousness.

The conclusion of obviousness-type double patenting is made in light of these factual determinations. Any obviousness-type double patenting rejection should make clear:

(A) The differences between the inventions defined by the conflicting claims — a claim in the patent compared to a claim in the application; and

(B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim at issue is anticipated by, or would have been an obvious variation of, the invention defined in a claim in the patent.

Here, the Examiner's explanation of this rejection does not make clear the differences between claim 1 of copending Application No. 10/685,694 and claim 1 of the present application, or why a person of ordinary skill in the art would conclude that the invention defined in claim 1 of the present application is anticipated by claim 1 of copending Application No. 10/685,694. Accordingly, it is submitted that the Examiner has not established a *prima facie* case of obviousness-type double patenting with respect to this rejection.

For at least the foregoing reasons, it is respectfully requested that the provisional rejection of claim 1 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/685,694 be withdrawn.

Rejection 2

Claim 1 was provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/685,696. This rejection is respectfully traversed.

In explaining the rejection, the Examiner states that "[a]lthough the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 of the copending application [No. 10/685,696] anticipates the data storage medium of claim 1 [of the present application]."

However, claim 1 of the present application recites "[a] data storage medium, comprising: audio video (AV) data; a markup document which was provided to reproduce the AV data in an interactive mode; and control information which was provided to identify buffering state

information of the markup document to be preloaded," while claim 1 of copending application No. 10/685,696 recites "[a] data storage medium encoded with program codes for enabling a method of reproducing AV data in an interactive mode using markup documents, performed by a computer, the data storage medium comprising: a first program code to carry out buffering of the markup documents to preload the markup documents; and a second program code to output information indicating whether the buffering of the markup documents is completed," such that claim 1 of copending application No. 10/685,696 does not anticipate claim 1 of the present application as alleged by the Examiner.

Furthermore, it is submitted that the Examiner has not established a *prima facie* case of obviousness-type double patenting with respect to this rejection at least for the reasons discussed above in connection with the first obviousness-type double patenting rejection.

For at least the foregoing reasons, it is respectfully requested that the provisional rejection of claim 1 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/685,696 be withdrawn.

Rejection 3

Claim 1 was provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 17 of copending Application No. 10/685,697. This rejection is respectfully traversed.

In explaining the rejection, the Examiner states that "[a]lthough the conflicting claims are not identical, they are not patentably distinct from each other because claim 17 of the copending application [No. 10/685,697] anticipates the data storage medium of claim 1 [of the present application]."

However, claim 1 of the present application recites "[a] data storage medium, comprising: audio video (AV) data; a markup document which was provided to reproduce the AV data in an interactive mode; and control information which was provided to identify buffering state information of the markup document to be preloaded," while claim 17 of copending application No. 10/685,697 recites "[a] computer readable medium encoded with operating instructions for implementing a method of reproducing AV data in an interactive mode using markup document, performed by a computer, the method comprising: buffering the markup document to preload

the markup document; and outputting buffering state information of the markup document in response to a report signal," such that claim 17 of copending application No. 10/685,697 does not anticipate claim 1 of the present application as alleged by the Examiner.

Furthermore, it is submitted that the Examiner has not established a *prima facie* case of obviousness-type double patenting with respect to this rejection at least for the reasons discussed above in connection with the first obviousness-type double patenting rejection.

For at least the foregoing reasons, it is respectfully requested that the provisional rejection of claim 1 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 17 of copending Application No. 10/685,697 be withdrawn.

Rejection 4

Claim 1 was provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 9 of copending Application No. 10/685,699. This rejection is respectfully traversed.

In explaining the rejection, the Examiner states that "[a]lthough the conflicting claims are not identical, they are not patentably distinct from each other because claim 9 of the copending application [No. 10/685,699] anticipates the data storage medium of claim 1 [of the present application]."

However, claim 1 of the present application recites "[a] data storage medium, comprising: audio video (AV) data; a markup document which was provided to reproduce the AV data in an interactive mode; and control information which was provided to identify buffering state information of the markup document to be preloaded," while claim 9 of copending application No. 10/685,699 recites "[a] computer readable medium encoded with operating instructions for implementing a method of reproducing AV data in an interactive mode using markup document, performed by a computer, the method comprising: inquiring whether preloading of the markup document is completed using an application program interface (API); and receiving a return value of true in response to the preloading of the markup document being completed and a return value of false in response to the preloading of the markup document being not completed," such that claim 9 of copending application No. 10/685,699 does not anticipate claim 1 of the present application as alleged by the Examiner.

Furthermore, it is submitted that the Examiner has not established a *prima facie* case of obviousness-type double patenting with respect to this rejection at least for the reasons discussed above in connection with the first obviousness-type double patenting rejection.

For at least the foregoing reasons, it is respectfully requested that the provisional rejection of claim 1 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 9 of copending Application No. 10/685,699 be withdrawn.

Rejection 5

Claim 1 was provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/686,521. This rejection is respectfully traversed.

In explaining the rejection, the Examiner states that "[a]lthough the conflicting claims are not identical, they are not patentably distinct from each other because claim 9 of the copending application [No. 10/686,521] anticipates the data storage medium of claim 1 [of the present application]."

However, claim 1 of the present application recites "[a] data storage medium, comprising: audio video (AV) data; a markup document which was provided to reproduce the AV data in an interactive mode; and control information which was provided to identify buffering state information of the markup document to be preloaded," while claim 1 of copending application No. 10/686,521 recites "[a]n apparatus for reproducing AV data using a markup document in an interactive mode, comprising: a buffer which buffers the markup document; and a buffer manager which manages the buffer to preload the markup document and outputs buffering state information of the buffer in response to a report signal," such that claim 1 of copending application No. 10/686,521 does not anticipate claim 1 of the present application as alleged by the Examiner.

Furthermore, it is submitted that the Examiner has not established a *prima facie* case of obviousness-type double patenting with respect to this rejection at least for the reasons discussed above in connection with the first obviousness-type double patenting rejection.

For at least the foregoing reasons, it is respectfully requested that the provisional rejection of claim 1 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/686,521 be withdrawn.

Claim Rejections Under 35 USC 102

Rejections 1 and 2

Claim 1 was rejected under 35 USC 102(e) as being anticipated by Tsumagari et al. (Tsumagari '095) (U.S. Patent Application Publication No. 2004/0126095). This rejection is respectfully traversed.

Claim 1 was rejected under 35 USC 102(e) as being anticipated by Tsumagari et al. (Tsumagari '615) (U.S. Patent Application Publication No. 2003/0161615). This rejection is respectfully traversed.

The U.S. filing date of Tsumagari '095 is August 14, 2003, and the U.S. filing date of Tsumagari '615 is February 26, 2003, both of which are after the filing date of October 17, 2002, of Korean Patent Application No. 2002-63631, one of the eight Korean priority applications of the present application. A certified copy of Korean Patent Application No. 2002-63631 was filed on January 20, 2004, in the present application. The Examiner has acknowledged receipt of the certified copy in item 12 on page 1 (the Office Action Summary) of the Office Action of December 13, 2006. Accordingly, pursuant to 37 CFR 1.55(a)(4) and MPEP 201.15, submitted herewith is an English translation of Korean Patent Application No. 2002-63631 and a statement that the English translation is accurate to perfect the applicants' claim for foreign priority under 35 USC 119(a)-(d) and remove the availability of Tsumagari '095 and Tsumagari '615 as references against the claims of the present application with respect to Korean Patent Application No. 2002-63631. It is submitted it is readily apparent from the English translation that claim 1 is fully supported by Korean Patent Application No. 2002-63631. In light of this, it is respectfully requested that the rejections of claim 1 under 35 USC 102(e) as being anticipated by Tsumagari '095 and Tsumagari '615 be withdrawn.

Rejection 3

Claims 1-7 were rejected under 35 USC 102(e) as being anticipated by Lamkin et al. (Lamkin '729) (U.S. Patent Application Publication No. 2005/0278729). This rejection is respectfully traversed.

In explaining the rejection, the Examiner states as follows:

Claim 1 is taught by claim 1 of Lamkin.

Claim 2 is taught by claims 1 – 3 of Lamkin.

Claim 3 is taught by claims 1 and 7 of Lamkin.

Claim 4 is taught by claims 1 and 5 of Lamkin.

Claim 5 is taught by claims 25 and 27 – 29 of Lamkin.

Claim 6 is taught by claims 25 and 27 – 30 of Lamkin.

Claim 7 is taught by claims 1 – 4 of Lamkin.

Attached hereto are copies of a Utility Patent Application Transmittal, a Fee Transmittal, and a Notice of Copied Claims Under 37 C.F.R. § 1.604(b) filed on July 12, 2005, in Lamkin '729. As can be seen from the Notice of Copied Claims, claims 1-24 of Lamkin '729 are identical to claims 1-24 of copending Application 10/686,521 because Lamkin '729 copied claims 1-24 of copending Application No. 10/686,521 as claims 1-24 of Lamkin '729. The inventors of the present application are also the inventors of copending Application No. 10/686,521. Copending Application No. 10/686,521 is referred to by its publication number of 2004/0139394 in the Notice of Copied Claims.

Also, as can be seen from the Notice of Copied Claims, claims 25-33 of Lamkin '729 are identical to claims 1-9 of copending Application No. 10/685,694 because Lamkin '729 copied claims 1-9 of copending Application No. 10/685,694 as claims 25-33 of Lamkin '729. The inventors of the present application are also the inventors of copending Application No. 10/685,694. Copending Application No. 10/685,694 is referred to by its publication number of 2004/0139249 in the Notice of Copied Claims.

The actual U.S. filing date of Lamkin '729 is July 12, 2005, which is after the U.S. filing date of October 16, 2003, of both of copending Application Nos. 10/686/521 and 10/685,694. Lamkin purports to be a continuation of Application No. 09/935,756 filed on August 21, 2001, which was published as U.S. Patent Application Publication No. 2002/0078144 to Lamkin et al.

(Lamkin '144). However, it is submitted that copied claims 1-33 of Lamkin '729 appear to contain new matter with respect to parent Application No. 09/935,756 of Lamkin '729 at least because the terms "buffer manager," "report signal," and "preload" (in all its forms) recited in various ones of claims 1-24 of copending Application No. 10/686,521 and various ones of claims 1-9 of copending Application No. 685,694 appear only in various ones of copied claims 1-33 of Lamkin '729 and do not appear elsewhere in Lamkin '729 or anywhere in Lamkin '144 which is a publication of parent Application No. 09/935,756 of Lamkin '729. In light of this, it is submitted that Lamkin '729 is actually a continuation-in-part of parent Application No. 10/935,756 of Lamkin '729.

In any event, it is submitted that the Examiner cannot rely on any matter in Lamkin '729 (U.S. filing date of July 12, 2005) that does not appear in Lamkin '144 (U.S. filing date of August 21, 2001) which is a publication of parent Application No. 09/935,756 of Lamkin '729 because any such matter in Lamkin '729 has a U.S. filing date of July 12, 2005, which is after the U.S. filing date of October 16, 2003, of the present application. In particular, the Examiner cannot rely on any of claims 1-33 of Lamkin '729 to reject any of claims 1-24 of the present application because claims 1-33 of Lamkin '729 have a U.S. filing date of July 12, 2005, which is after the U.S. filing date of October 16, 2003, of the present application.

In light of this, it is submitted that the appropriate course of action would be for the Examiner to rely on Lamkin '144 to avoid the possibility of relying on any matter in Lamkin '729 that has a U.S. filing date of July 12, 2005. Accordingly, should the Examiner be inclined to continue to rely on Lamkin '729 in the next Office Action, it is respectfully requested that the Examiner rely on Lamkin '144 instead. Alternatively, should the Examiner decline to do this, it is respectfully requested that the Examiner specifically point out where any portions of Lamkin '729 relied on by the Examiner can also be found in Lamkin '144.

In any event, since the Examiner relied only on claims 1-5, 7, 25, and 27-30 of Lamkin '729 in the rejection of claims 1-7 under 35 USC 102(e) as being anticipated by Lamkin '729, and since claims 1-7 of Lamkin '729 have a U.S. filing date of July 12, 2005, which is after the U.S. filing date of October 16, 2003, of the present application, it is respectfully requested that the rejection of claims 1-7 under 35 USC 102(e) as being anticipated by various ones of claims 1-5, 7, 25, and 27-30 of Lamkin '729 be withdrawn.

Claim Rejections Under 35 USC 103

Claims 1-7 were rejected under 35 USC 103(a) as being unpatentable over Landsman et al. (Landsman) (U.S. Patent No. 6,466,967) in view of Silberschatz, Avi, Peter Galvin and Greg Gagne (Silberschatz) ("Applied Operating System Concepts," First Edition, John Wiley & Sons, Inc., 2000, pp. 65-66 and 412-431). This rejection is respectfully traversed.

Claim 1

It is submitted that Landsman and Silberschatz do not disclose or suggest "a markup document which was provided to reproduce the AV data in an interactive mode" as recited in independent claim 1. The Examiner considers column 9, lines 23-55; column 10, lines 5-31; and column 26, lines 43-49, of Landsman to disclose this feature of claim 1, although the Examiner did not indicate which features discussed in these portions of Landsman allegedly correspond to the "markup document" and the "interactive mode" recited in claim 1.

However, it is submitted that the only feature in the portions of Landsman relied on by the Examiner that may arguably be considered to correspond to the "markup document" recited in claim 1 is the HTML tag which is embedded into a referring page as described in column 10, lines 5-8, of Landsman. This HTML tag contains a component that downloads a Java applet that in turn downloads advertising files (media and player files) and plays the files on an interstitial basis in response to a user click-stream, that is, when the user clicks a mouse to transition to a next successive content page. See column 10, lines 5-20 and 45-53, of Landsman. The other component is the web address of an advertising management system from which the advertising files are to be downloaded. See column 10, lines 20-23, of Landsman. However, it is submitted that Landsman's advertising files are not reproduced "in an interactive mode" as recited in claim 1 because the user has no control over which advertising files will be reproduced or when a particular advertising file will be reproduced. In fact, until the first advertising file is reproduced when the user clicks a mouse to transition to a next successive content page, the user will not even be aware that any advertising files have been downloaded because this process is transparent to the user as described in column 10, lines 13-18 and 40-45, of Landsman.

Furthermore, it is submitted that Landsman and Silberschatz do not disclose or suggest "control information which was provided to identify buffering state information of the markup

document to be preloaded" as recited in claim 1. The Examiner considers column 34, line 66, through column 35, line 18, of Landsman to disclose this feature, except that the Examiner recognizes that "Landsman fails to specifically state that buffering state information is identified by control information." However, the Examiner is of the opinion that it would have been obvious to implement this feature in Landsman's system because column 26, lines 43-49, of Landsman "teaches that the advertisement can not be played until after it is cached . . . , motivating one of ordinary skill in the art to provide a way to determine if it is cached." The Examiner has relied on page 427, #6-8, of Silberschatz for a general teaching of outputting state information of a buffer.

However, Landsman already provides a way if determining whether an advertisement is fully cached—by loading an ad descriptor file 645 for an advertisement into a play queue 1470 after a browser cache proxy 1450 has finished downloading all media and player files for that advertisement from an agent server 15 as shown in FIG. 14 and described in column 36, lines 31-47, of Landsman. In light of this, it is submitted that there would have been no motivation for one of ordinary skill in the art to implement "a buffer manager which . . . outputs buffering state information of the buffer in response to a report signal" as recited in claim 1 in Landsman's system as a way to determine if an advertisement is cached as proposed by the Examiner.

Claim 3

It is submitted that Landsman and Silberschatz do not disclose or suggest the feature "wherein the control information includes an [obj].isCached(URL, resType) API that generates a report signal, where the URL is a parameter indicating a file path of the markup document and the resType is a parameter indicating an attribute of the markup document" recited in dependent claim 3. The Examiner considers column 12, lines 15-38; column 26, lines 43-49; and column 34, line 66, through column 35, line 18, of Landsman, and perhaps page 427, #6-8, of Silberschatz, to disclose this feature of claim 3. However, it is not seen where these portions of Landsman and Silberschatz disclose or suggest "an [obj].isCached(URL, resType) API" as recited in claim 3. Nor has the Examiner explained why he considers these portions of Landsman and Silberschatz to disclose this feature of claim 3.

Conclusion

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1-7 (i.e., claims 1 and 3 discussed above and claims 2 and 4-7 depending from claim 1) under 35 USC 103(a) as being unpatentable over Landsman in view of Silberschatz be withdrawn.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

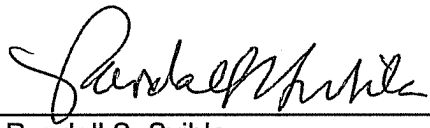
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this paper, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 03/09/07

By: 
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Attachments

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No.	86618 7236
	First Inventor	Lamkin, et al.
	Title	PRESENTATION OF MEDIA CONTENT
	Express Mail Label No.	EV 333 463 534 US

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.	ADDRESS TO: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
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<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing).</p> <p>2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p>3. <input checked="" type="checkbox"/> Specification. [Total Pages <u>138</u>] Both the claims and abstract must start on a new page (For information on the preferred arrangement, see MPEP 608.01(a))</p> <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets <u>15</u>]</p> <p>5. Oath or Declaration. [Total Sheets <u>1</u>]</p> <p>a. <input type="checkbox"/> Newly executed (original or copy)</p> <p>b. <input checked="" type="checkbox"/> A copy from a prior application (37 CFR 1.63 (d)) (for continuation/divisional with Box 18 completed)</p> <p>i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</p> <p>6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p> <p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) <input type="checkbox"/> Landscape Table on CD</p> <p>8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, items a. - c. are required)</p> <p>a. <input type="checkbox"/> Computer Readable Form (CRF)</p> <p>b. <input type="checkbox"/> Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> paper</p> <p>c. <input type="checkbox"/> Statements verifying identity of above copies.</p>	<p>ACCOMPANYING APPLICATION PARTS</p> <p>9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) Name of Assignee _____</p> <p>10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney (when there is an assignee)</p> <p>11. <input type="checkbox"/> English Translation Document (if applicable)</p> <p>12. <input type="checkbox"/> Information Disclosure Statement (PTO/SB/08 or PTO-1449) <input type="checkbox"/> Copies of citations attached</p> <p>13. <input type="checkbox"/> Preliminary Amendment</p> <p>14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)</p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)</p> <p>16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or equivalent.</p> <p>17. <input checked="" type="checkbox"/> Other: Notice of Copied Claims (37 CFR 1.604)</p>
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18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: **09/935,756**

Prior application information:

Examiner **Bayerl, Raymond J.**Art Unit: **2173****19. CORRESPONDENCE ADDRESS**☒ The address associated with Customer Number:**22242**OR ☐ Correspondence address below

Name	FITCH, EVEN, TABIN & FLANNERY				
Address	Suite 1600 - 120 South LaSalle Street				
City	Chicago	State	IL	Zip Code	60603-3406
Country	USA	Telephone	805-781-2865	Fax	805-541-2802

Signature		Date	July 12, 2005
Name (Print/type)	Thomas F. Lebens	Registration No. (Attorney/Agent)	38221

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/8/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

Complete if Known

Application Number	
Filing Date	
First Named Inventor	Lamkin
Examiner Name	
Art Unit	
Attorney Docket No.	86618 7236

☐ Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)**2350**

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: **06-1135** Deposit Account Name: **FITCH, EVEN, TABIN & FLANNERY**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charges fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17, except issue fee ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300		500		200		1000
Design							
Plant							
Reissue							
Provisional							

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent
Multiple dependent claims

Total Claims		Extra Claims		Fee (\$)		Fee Paid (\$)		Multiple Dependent Claims		Fee (\$)		Fee Paid (\$)	
33	- 20 or HP =	13	x	50	=	650							
HP = highest number of total claims paid for, if greater than 20													
Indep. Claims		Extra Claims		Fee (\$)		Fee Paid (\$)							
4	- 3 or HP =	1	x	200	=	200							
HP = highest number of independent claims paid for, if greater than 3													

3. APPLICATION SIZE FEE

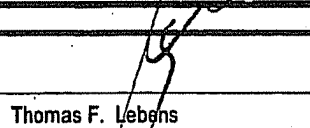
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$ (\$ for small entity)
for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41 (a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fees Paid (\$)
161	- 100 = 61	/ 50 = 2 (round up to a whole number) x	250	500

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)
Other:

SUBMITTED BY

Signature		Registration No. 38221 (Attorney/Agent)	Telephone 805-781-2865
Name (Print/Type)	Thomas F. Lebens	Date	July 12, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Lamkin et al.
Serial No.:	Not yet assigned
Filed:	Filed herewith
For:	PRESENTATION OF MEDIA CONTENT
Group Art Unit:	Not yet assigned
Examiner:	Not yet assigned
Customer No.:	22242

NOTICE OF COPIED CLAIMS UNDER 37 C.F.R. § 1.604(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

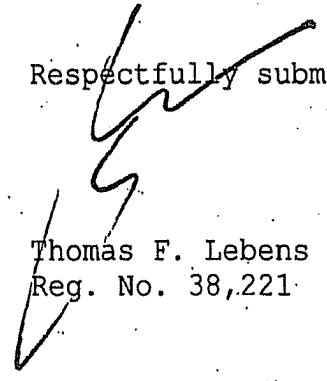
Dear Sir:

Applicant hereby gives notice to the Examiner that claims 1 through 24 of the present application were copied from United States Patent Application Publication No. 2004/0139394 (the '394 application) and claims 25 through 33 of the present application were copied from United States Patent Application Publication No. 2004/0139249 (the '249 application). Claims 1 through 24 of the present application are claiming the same subject matter as claims 1 through 24 of the '394 application and claims 25 through 33 of the present application are claiming the

same subject matter as claims 1 through 9 of the '249 application.

Dated: July __, 2005

Respectfully submitted,



Thomas F. Lebens
Reg. No. 38,221

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